

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE MARCH 26, 2004

SENATE BILL

No. 1342

Introduced by Senators Speier and Romero

February 18, 2004

An act to amend Sections 6125 and 6126 of, and to add Section 6127 to, the Penal Code, relating to the Inspector General.

LEGISLATIVE COUNSEL'S DIGEST

SB 1342, as amended, Speier. Inspector General.

Existing law establishes the office of the Inspector General relative to corrections, and generally provides for various duties and authority of the office.

The bill would require the Department of Corrections and the ~~California~~ *Department of the Youth Authority* to report all matters that could result in potential criminal prosecution to the Inspector General.

The bill would provide that the budget of the office of the Inspector General shall be fixed annually at $\frac{1}{4}$ of 1% of the amount approved for the budget of the Department of Corrections and the ~~California~~ *Department of the Youth Authority*.

The bill would also provide for referral of matters concerning employees for potential administrative action or potential criminal prosecution, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 6125 of the Penal Code is amended to read:

6125. There is hereby created the independent office of the Inspector General which shall not be a subdivision of any other governmental entity. The Governor shall appoint, *subject to confirmation by the Senate*, the Inspector General, ~~for a 10-year term and may not be removed except for good cause, subject to Senate confirmation of that appointment.~~ *General to a 10-year term. The Inspector General may not be removed from office during that term, except for good cause.*

SEC. 2. Section 6126 of the Penal Code is amended to read:

6126. (a) The Inspector General shall be responsible for reviewing departmental policy and procedures for conducting audits of investigatory practices and other audits, as well as conducting investigations of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, the Board of Corrections, the Narcotic Addict Evaluation Authority, the Prison Industry Authority, and the Youth and Adult Correctional Agency, as requested by either the Secretary of the Youth and Adult Correctional Agency or a Member of the Legislature, pursuant to the approval of the Inspector General under policies to be developed by the Inspector General. The Inspector General may, under policies developed by the Inspector General, initiate an investigation or an audit on his or her own accord.

(b) Upon completion of an investigation or audit, the Inspector General shall provide a response to the requester.

(c) The Inspector General shall, during the course of an investigatory audit, identify areas of full and partial compliance, or noncompliance, with departmental investigatory policies and procedures, specify deficiencies in the completion and documentation of investigatory processes, and recommend corrective actions, including, but not limited to, additional training with respect to investigative policies, additional policies, or changes in policy, as well as any other findings or recommendations that the Inspector General deems appropriate.

(d) The Department of Corrections and the ~~California~~ *Department of the Youth Authority* shall report all matters that

1 could result in potential criminal prosecution to the Inspector
2 General.

3 (e) The budget of the office of the Inspector General shall be
4 fixed annually at ~~one quarter of one percent~~ *an appropriate*
5 *percentage* of the amount approved for the budget of the
6 Department of Corrections and the ~~California~~ *Department of the*
7 Youth Authority.

8 SEC. 3. Section 6127 is added to the Penal Code, to read:

9 6127. (a) When the Inspector General completes an
10 investigation where it finds that an employee has engaged in
11 conduct that would be subject to administrative action, the
12 Inspector General shall refer the matter to the appropriate
13 employing agency which shall be required to file the
14 administrative action.

15 (b) When the Inspector General completes an investigation
16 where it finds that an employee has engaged in criminal activity,
17 it shall refer the matter to the Attorney General, or a district
18 attorney of jurisdiction, or both, and shall immediately notify the
19 Youth and Adult Correctional Agency of the referral.

20 ~~(c) The Inspector General shall report semiannually to the~~
21 ~~Governor and the Legislature a summary of completed~~
22 ~~investigative and audit reports and the disposition of those reports.~~
23 ~~This summary shall highlight those reports which the affected~~
24 ~~correctional agency has failed to address after the passage of more~~
25 ~~than six months from the time the matter was referred to the~~
26 ~~agency.~~

